

HB

#350

IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

11

SARAH ARCHBOLD, on behalf of  
herself and others similarly situated,

Plaintiff,

v.

INVESTORS SAVINGS BANK,  
JOHN DOES I-X, and  
XYZ CORPORATIONS,

Defendants.

Civil Action No.

On Removal From:  
Court of Common Pleas of  
Montgomery County  
2011-00217

**NOTICE OF REMOVAL**

The defendant Investors Savings Bank ("ISB"), by and through its attorneys Forman Holt Eliades & Ravin, LLC, hereby removes the above-captioned matter from the Court of Common Pleas of Montgomery County, Pennsylvania to the United States District Court for the Eastern District of Pennsylvania, pursuant to 28 U.S.C. §§1331, 1441, and 1446, and respectfully states in support thereof:

1. On or about January 11, 2011, the plaintiff Sarah Archbold ("Archbold") commenced this action by filing a complaint against ISB, and other unnamed defendants, in the Court of Common Pleas of Montgomery County, Pennsylvania. The complaint was styled as a class-action complaint and was said to be filed on behalf of Archbold and other similarly situated parties. A true copy of the complaint, and all process and pleadings filed to date, are annexed hereto as Exhibit "A."

2. ISB first received a copy of the complaint through certified mail on January 21, 2011.

3. This Notice is therefore filed timely, as it is filed within thirty (30) day of ISB's first receipt of the complaint "through service of otherwise."

4. No further pleadings have been filed in the Court of Common Plea, and no proceedings have occurred in that court.

5. No prior application for removal has been filed in this matter.

6. Pursuant to 28 U.S.C. §1441(a), this action may be removed "to the district court of the United States for the district and division embracing the place where such action is pending." Accordingly, this action may be removed to the United States District Court for the Eastern District of Pennsylvania because the Court of Common Pleas is within the Eastern District of Pennsylvania.

7. ISB removes this case under the terms of 28 U.S.C. §1331 because it involves it a complaint arising under the laws of the United States, specifically federal statutes and their enabling regulations, and this Court possesses federal question jurisdiction over this action. The participation of other defendants in this Notice of Removal is not necessary as they are unidentified, fictitious defendants. Moreover, no claim is stated in the complaint against them.

8. Accordingly, this action is removable pursuant to 28 U.S.C. §1441(b) because it is "founded on a claim or right arising under the Constitution, treaties or laws of the United States."

9. This action is additionally removable pursuant to the provisions 28 U.S.C. §1332 and 28 U.S.C. §1441(a), as complete diversity exists between the plaintiff and ISB. ISB is a New Jersey state chartered savings bank with a principal place of business in New Jersey. The plaintiff claims to be "alternately" a citizen of the State of New Jersey or the Commonwealth of Pennsylvania, but she is in fact, a citizen of the Commonwealth of Pennsylvania, residing at 448

Conestoga Road, Berwyn, Pennsylvania, as she has asserted in a number of other pleadings pending before this Court.

10. ISB, in accordance with 28 U.S.C. §1446(d) will promptly serve a copy of this Notice of Removal on all adverse parties and “and shall file a copy of the notice with the clerk of such State court.”

WHEREFORE, the above-captioned matter be and is hereby removed from from the Court of Common Pleas of Montgomery County, Pennsylvania to the United States District Court for the Eastern District of Pennsylvania.

Respectfully submitted,

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By: 

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Dated: February 10, 2011